

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ISAIAH THOMPSON BONILLA,

No. C 05-1350 SI (pr)

Petitioner,

**ORDER STAYING ACTION AND TO
ADMINISTRATIVELY CLOSE ACTION**

v.

W. A. DUNCAN, warden,

Respondent.

Petitioner, an inmate at Salinas Valley State Prison, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 to challenge his 2002 conviction in Alameda County Superior Court. Petitioner also filed a "motion for stay and abeyance, alternatively leave to amend" in which he explained that he had recently obtained access to pretrial records not earlier available to him and discovered therein some new claims that he wanted to present in his federal habeas action but needed to first exhaust state court remedies for them. He further explained that he had already filed habeas petitions in the trial and appellate courts and was preparing a habeas petition to file in the California Supreme Court. Petitioner satisfied the requirements in Rhines v. Weber, No. 03-9046, slip op. at 7-8 (U.S. Mar. 30, 2005), for a stay of his habeas action in that he showed good cause for the delayed presentation of the claims to the state courts, showed he acted promptly to present his claims in state court once discovered and asserted that the claims are for constitutional errors. The motion for a stay and abeyance is GRANTED. (Docket # 4.)

1 This action is STAYED and ADMINISTRATIVELY CLOSED. Nothing further will take place in
2 this action until petitioner exhausts the unexhausted claims, and, within thirty days of doing so,
3 moves to reopen this action, lift the court's stay and amend the petition to add the newly-exhausted
4 claims. If petitioner does not return within thirty days of exhausting the unexhausted claims, the
5 action may be dismissed. See id. at 7-8; Kelly v. Small, 315 F.3d 1063, 1071 (9th Cir.), cert.
6 denied, 123 S. Ct. 2094 (2003).

7 Petitioner's motion to exceed the normal page limits is DENIED as unnecessary as there
8 is not a limit on the number of pages for a habeas petition. (Docket # 3.)

9 Petitioner's in forma pauperis application is GRANTED. (Docket # 5.)

10 IT IS SO ORDERED.

11 DATED: June _23_, 2005

S/Susan Illston
SUSAN ILLSTON
United States District Judge